

From: [Bob Costello](#)
To: [Michael Overbay/R6/USEPA/US@EPA](#); [Chris Hill \(Regulatory\)](#); [John Satterfield](#)
Cc: [Stephen Hess/DC/USEPA/US@EPA](#); [Susan Mravik/ADA/USEPA/US@EPA](#); [Doug Beak/ADA/USEPA/US@EPA](#); [Jeanne Briskin/DC/USEPA/US@EPA](#); ['Florentino, Gene'](#)
Subject: RE: Draft Access Agreement
Date: 07/31/2012 05:52 PM
Attachments: [U.S. FOIA Exempt \(b\) \(4\)](#)

My apologies for the delay in getting this back – I made only minor edits to address Steve's concern. – The EPA now derives its permission to enter from our agreement with the surface owner, and from our rights under the leasehold estate. I also made sure the intent was to create a covenant running with the land which protects in the event of subsequent owners of the well/location – they will take subject to this agreement.

Also attached for Steve's review are the relevant pages from a 81 page title opinion which covers the entire 640 acre section. The attached pages relate to only the NE/4.

From: Michael Overbay [mailto:Overbay.Michael@epamail.epa.gov]
Sent: Friday, July 27, 2012 2:41 PM
To: Bob Costello; Chris Hill (Regulatory); John Satterfield
Cc: Stephen Hess; Susan Mravik; Doug Beak; Jeanne Briskin; Florentino, Gene
Subject: Draft Access Agreement

Hi Bob, Chris and John,

As we just discussed, here is the draft access agreement with edits from counsels representing EPA, CHK and E&E.

I had discussed the recent revisions with Chris Hill on Wednesday, July 18th, regarding the changes to the insurance language requirements. I am still waiting on E&E to get cost information so that I can go forward to EPA management to approve the additional insurance costs for liability and well control insurance. Also, based on our discussions today, CHK will make additional revisions to address the issue of allowing EPA continued access to the property should CHK no longer own the mineral interests in the future. Bob Costello will also send Steve Hess information relating to the title opinion he discussed. Since it seems that is something that we may be able to do in just a few days, I will wait to make sure that we are comfortable with our understanding of that issue before pushing forward for final OK. Hopefully, we can this all resolved next week.

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